IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY THE THIRD DAY OF SEPTEMBER
TWO THOUSAND AND SEVEN

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION No.14598 of 2007

Between:
Gopu Kotaiah

..... PETITIONER

AND
The Collector & District Magistrate
Guntur and 3 others

.....RESPONDENTS

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION No.14598 of 2007

ORDER:

This writ petition is filed by the petitioner, aggrieved by the proposed action of the respondents in shifting the primary health center from Rompicherla village to Redla Bazar, instead of in the land that was gifted by the petitioner's uncle by name Gopu Anjaneyulu.

It is stated that the petitioner's uncle gave an extent of Ac.2.00 of land situated in Sy.Nos.385 and 386/1/A of Rompicherla village by way of gift registered in favour of the 3rd respondent, the Director of Medical and Health of Government of Andhra Pradesh for the construction of a primary health center. It is stated that though the said gift was made on 17.02.1987 and in the year 2004 some preliminary steps have been taken for construction of the primary health center, however, it was not proceeded with. Subsequently, the petitioner came to know that the respondents intend to construct the primary health center at a different place other than the land that was donated by the petitioner's uncle. The petitioner's uncle filed the writ petition WP.167/2005 which was disposed of by this Court, directing the petitioner therein to file objections within a period of four weeks. But, however, according to the petitioner, the petitioner's uncle filed objections to the proposed shifting of the construction of the primary health center. The said objections were not considered and no orders are passed, but, however, the respondents are proposed to construct the primary health center at

different place and are proceeding with, therefore, the present writ petition.

In response to the notice, a counter is filed by the 1st respondent, disputing the claims of the petitioner and in fact, stated that though four weeks time was granted to the petitioner's uncle in the earlier writ petition, no representation was received by the respondents. Further, as the land was not handed over by the department, alternative site was inspected and found suitable which is adjacent to the high way road and belongs to the R&B department situated in Sy.No.676, which is opposite to the RTC bus station and besides A.P.Police quarters and Z.P.School. The said land was inspected by the departmental engineering division and found feasible for the construction of the Primary Health Centre Builing. Accordingly, necessary proposals were submitted to the Director of Health to accord permission to take up the construction work, therefore, sought for dismissal of the writ petition. Since the petitioner cannot claim that primary health center has to be constructed at a particular place, especially when the land was not handed over to the respondent department, apart from the fact that no representation was made as directed by this Court.

Heard both sides and considered the material on record.

The present writ petition is filed not even by the person who is stated to have gifted the land, but by somebody who is claiming to be the relative of the original donor stating that the donor is his uncle. Though it was claimed that the property was gifted by the respondent department in the year 1987, but possession was not even handed over, therefore, the proposed construction in the year 2004 was stopped. Further, as possession was not handed over, alternative site was inspected and found suitable which belongs to the R&B department and proposals were sent for the construction of the primary health center.

Under the above circumstances, the petitioner cannot have any

grievance, apart from having any legal right to enforce. Accordingly, the Writ petition is dismissed. No order as to costs.

S.ANANDA REDDY.J

Dated:03.09.2007
Dsr